the normal work was unduly heavy. Permanent relief could be afforded to the courts at both these places by the establishment of a Munsiff's court at Neduvangad which had a Tahsildar and Magistrate of its own, but whose civil jurisdiction was at present distributed between the three courts at Neyyattinkara, Trivandrum and Attingal. The Neduvangad taluk was growing in importance; communication was not easy; the distance to the various courts was great; and the people had been praying for a Munsiff's court for years past. If there would not be adequate work for a full time Munsiff, a Munsiff-Magistrate might be appointed as at Shencotta; and the temporary additional Munsiff's court at Trivandrum might be transferred elsewhere. It might also be possible to transfer the additional Munsiff's court from Nagercoil. The above proposals, if accepted, would conduce to the greater convenience of the people and improve the efficieney of judiciai administration.

DEWAN'S REPLY : Mr. Raman Pillai, the representations that you have made will be taken up for careful consideration and the High Court will be consulted.

31. Judicial Administration.

Mr. M. KOCHUKRISHNA PILLAI (*Member, Neyyattinkara taluk, Group II*) prefaced his observations by saying that he proposed to refer only to some of the most crying evils in the judicial administration of the State. The people resorted to civil courts only when other remedies failed, and the inordinate delay in the disposal of suits was not excusable. Statistics could be quoted to show that the accumulation of arrears of old cases had been on the increase. In 1071, there were no original suits more than two years old or appeal suits more than one year old, pending disposal in any of the courts of the State. In 1081, there were pending disposal in Munsiff's courts 34 cases more than two years old, and in the District Courts, 46 such cases. In 1091, there were also cases more than five years old and such cases had been decidedly on the increase during the last decade. In 1100, there were pending in Munsiff's courts 3150 cases more than two years old and 641 such cases in District Courts. Taking the years 1091 to 1100 and only the cases more than four years old, it was found that in Munsiff's courts the number of such cases rose steadily during the period from 5 to 282, and that of cases more than five years old from 1 to 122 ; in District Courts, the number of cases four years old rose from 2 in 1091 to 101 in 1100 and that of cases more than five years old from 2 to 99. The delay in respect of appeals which might be disposed of after hearing, in the District Courts was also abnormal. There were 662 such cases more than two years old, 232 more than three years old, 31 more than four years old, and 34 more than five years old. The returns do not give particulars of the age of cases more than five years old ; but it is well-known that there are cases seven or eight years old. In the case of suits remanded for retrial to lower courts, the period of pendency should be calculated from the date of the first institution of the suit, but the returns did not furnish that information. Periodical returns were prescribed and the quarterly and annual returns formed the subject of lengthy but ineffective reviews by the High Court. Inspections were also conducted. But no organised effort was made to reduce the file of old cases. The appointment of the Laws Delays Committee was to be welcomed. The Committee should be composed of bold and learned men and its report should be obtained expeditiously. In the meantime, stringent instructions should be issued for the immediate disposal of the old cases.

The Member then referred to some of the hardships in the working of the courts. More witnesses than could be examined on one day were asked to appear, with the result that the parties were put to loss. The affidavits prescribed by the *Civil Courts' Guide* should be done away with and the form adopted in plaints, written statements, etc., might be adopted instead. Arrangements should be made for the trial of civil cases when the District Judge was engaged in sessions work. Most of the temporary Munsiffs being new to the work, the present practice of distributing the cases alternatively between the principal and additional courts led to the neglect of old and contested cases. At Neyyattinkara, where the temporary court was abolished in Vrischikam 1099, there were pending at the end of the year 82 cases.

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more than two years old, 61 cases more than three years old, 42 cases more than four years old and 40 cases more than five years old.

Recruitment to the judiciary should be based on efficiency and not guided by communal considerations ; and all new appointments should be made only on probation. Several inefficient men had already got into the judiciary ; but there was not only no recognition of special merit, but discontent was caused in the ranks of able Munsiffs by the appointment of Sirkar Vakils and others as judges. This had invariably led to loss of efficiency. Merit should be encouraged by special scale, honorarium or promotion and those who were incapable should be punished or eliminated. If the orders of the High Court commanded as much respect in the subordinates of the Judicial Department as in the past, the arrears of old cases would not have increased so alarmingly as they have done. Nor would the Members of the Assembly have been obliged to make representations annually on the difficulties experienced by litigants. It should be possible to appoint to the High Court Bench persons who could remain there for three years instead of promoting those who would have to retire on pension in a year or two and who would have therefore no incentive to reform the working of the lower courts. The present inspections by High Court Judges served no useful purpose. A questionnaire should be framed detailing all the aspects to which the inspection should be directed ; surprise visits should be made ; and clients and vakils might be interrogated in order to elicit information about their hardships. The Government also should keep a watchful eye on the department, and a paragraph in the Dewan's opening address should be devoted to it.

DEWAN'S REPLY : Mr. Kochukrishna Pillai, the question of delays in the disposal of suits will be examined by the Laws Delays Committee as you have yourself said.

2. The difficulties experienced by individual litigants or witnesses in courts are matters which must be left to the discretion of the presiding officers concerned. A considerate Magistrate or Judge will make matters easy for the witnesses. It is also a matter in which the vakils concerned are largely responsible.

3. As for the defects in the system of recruitment, the Government realise that the recruitment to the service—not merely to the Judiciary, but all the services—is a matter which requires earnest consideration and as such it will have to be taken up sooner or later.

4. As for the prestige of the High Court and the condition of the Judicial Department, what you said was very interesting and will be noted.

5. As regards the High Court Judges' inspection, I will have your remarks conveyed to the High Court.

32. Judicial Administration.

MR. A. S. SANKARANARAYANA PILLAI (*Member, Municipal Council, Neyyattinkara*) began by observing that, though the High Court was the head of the Judicial Department, the Government were not devoid of all responsibility and should interfere except in respect of purely judicial acts. The Government were not bound to accept all recommendations of the High Court; but it was no exaggeration to say that the High Court did not command adequate respect with the Government and the officers of other departments. The Dewan's opening address contained no reference at all to the Judicial Department.

Most of the courts had no buildings of their own and were located in portions of taluk offices, etc. The Government who spent lavishly on kitchens in European officers' quarters and on P. W. D. camp-sheds were reluctant to spend money on buildings for courts. The Trivandrum District Court and the Munsiffs' courts were housed in old, dilapidated and unsuitable buildings. The work of the courts would be facilitated and their dignity enhanced by proper accommodation. The Dewan who had recently inspected the Trivandrum District Court would, the Member hoped, provide a decent building for it.

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